

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

P.M. and C.T.,

Plaintiffs,

vs.

Civ. No. 10-28 BB/RHS

DAVID C. YOUNG, ROBERT T. SMITH,
JOSEPH R. HUDSON, RAYMOND D.
SCHULTZ, in their individual capacities,
and THE CITY OF ALBUQUERQUE,

Defendants.

**ORDER GRANTING PLAINTIFFS' MOTION TO COMPEL
DEFENDANTS SMITH AND HUDSON TO RESPOND
TO PLAINTIFF C.T.'S FIRST SET OF
INTERROGATORIES AND REQUESTS FOR PRODUCTION**

THIS MATTER comes before the Court on Plaintiffs' Motion to Compel Defendants Smith and Hudson to Respond to Plaintiff C.T.'s First Set of Interrogatories and Requests for Production [docket no. 52]. The Court has now considered the Motion together with Defendants Smith and Hudson's Response in opposition (docket no. 58) and Plaintiff C.T.'s Reply thereto (docket no. 64) as well as all of the pleadings on file in the above-captioned cause and the Court concludes that the Motion is well-taken and should be granted as provided herein.

IT IS THEREFORE ORDERED that Plaintiffs' Motion to Compel Defendants Smith and Hudson to Respond to Plaintiff C.T.'s First Set of Interrogatories and Requests for Production [docket no. 52] is hereby granted as follows:

1. Interrogatory No. 3: Defendants Smith and Hudson shall respond to Interrogatory No. 3 stating the facts upon which they know or reasonably believe to exist supporting the affirmative defenses asserted in their Answer to Plaintiff's Complaint.

2. **Interrogatory No. 4:** The motion is granted and Defendants Smith and Hudson shall identify any new or additional facts discovered after the filing of Defendants' Answer which supports their affirmative defenses.

3. To the extent that responses are required by Defendants Smith and Hudson, the same shall be due on or before December 1, 2010.

4. Defendants Smith and Hudson are not required to provide "every fact" upon which they relied in pleading affirmative defenses but rather those general facts or set of facts which support the same.

5. Each party shall bear and pay their respective attorney's fees and costs herein.

Robert Hayes Scott
ROBERT HAYES SCOTT
UNITED STATES MAGISTRATE JUDGE